



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Audrey Hallinger  
HWN Resources, LLC  
PO Box 242  
El Campo, TX 77437

DEC 11 2015

Ref. No. 15-0135

Dear Ms. Hallinger:

This responds to your May 28, 2015 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to a trailer with a permanently mounted generator and 350-gallon diesel fuel tank. Your questions are paraphrased and answered as follows:

Q1. Is the 350-gallon diesel fuel tank subject to the HMR?

A1. A fuel tank meeting the requirements of 49 CFR §§ 393.65 and 393.67 of the Federal Motor Carrier Safety Regulations (FMCSR) for fuel systems and used only for supplying fuel for the operation of the motor vehicle or its auxiliary equipment is not subject to the HMR with respect to its use on the vehicle. If it is not a fuel tank for this purpose, then the material is subject to the HMR when transported in commerce. A common shipping name for such a shipment is "Engines, internal combustion."

Q2. If the fuel tank meets the requirements of FMCSR §§ 393.65 and 393.67 and is deemed a fuel system, is the 350-gallon tank on our equipment subject to the HMR; and commercial driver's license (CDL) hazmat endorsement requirements?

A2. See A1. With regard to the requirement for a CDL with a hazmat endorsement, if the vehicle meets the definition of a commercial motor vehicle under 49 CFR Part 383, the driver would be required to have a CDL in conformance with Subpart B of Part 383; however, the hazmat endorsement would not be required since the vehicle would not be required to display placards.

Q3. Would § 173.220(a) be applicable to the trailer?

A3. Section 173.220(a) is applicable to an internal combustion engine and its fuel tank (if it contains flammable or gaseous fuel) being transported as cargo on a transport vehicle in commerce. If your equipment meets requirements of § 173.220(b)(4)(i), it is not subject to any other requirements of the HMR.

Q4. If § 173.220 applies, does it mean that the fuel tanks of the generator need non-vented caps or valves or quick disconnects in the lines to be considered "securely closed"?

A4. Section 173.220(b)(4)(i) does not specifically require non-vented caps, valves or quick disconnects in the lines to be considered "securely closed." The fuel tank can be securely closed using any method that prevents leakage.

Q5. Would an equipment trailer with two mounted tanks of 119 gallons or less and used for the transportation of diesel qualify for the exception in § 173.150(f)(2)?

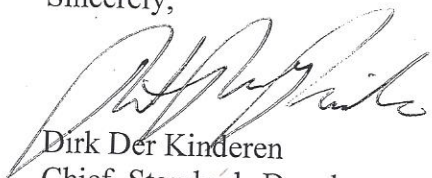
A5. Yes, if the diesel can be reclassified as a combustible liquid. The diesel being transported would need to be at or above a flashpoint of 100 degrees Fahrenheit to be reclassified as a combustible liquid and thus qualify for the exception in § 173.150(f)(2). Additionally, each tank would need to meet the definition of a non-bulk package in § 171.8. Note that if the two mounted tanks are manifolded or connected, and do not have stop valves between them in the closed position, they would be treated as a single package (see Letter Ref. No. 11-0153).

Q6. Is there a limit on the number of the above described non-bulk tanks containing a combustible liquid on a transport vehicle?

A6. No. The exception in § 173.150(f)(2) is based on the material, package size and mode of transportation.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,



Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division

**Dodd, Alice (PHMSA)**

*Caccarone*  
*§173.220*  
*Non-Bulk Packaging*  
*15-0135*

**From:** Geller, Shelby CTR (PHMSA)  
**Sent:** Monday, June 29, 2015 2:37 PM  
**To:** Hazmat Interps  
**Cc:** Lucas\_Adam@bah.com  
**Subject:** RE: Interpretation Letter Request

Hi Shante and Alice,

Forwarded is a request for a formal letter of interpretation. It looks to be the only outstanding letter not found in the database.

Thanks,  
Shelby

**From:** Geller, Shelby CTR (PHMSA)  
**Sent:** Friday, May 29, 2015 1:51 PM  
**To:** Hazmat Interps  
**Subject:** FW: Interpretation Letter Request

Hi Shante and Alice,

Attached is a formal letter of interpretation. Ms Hallinger spoke with Jordan Rivera.

Thanks,  
Shelby

**From:** Audrey Hallinger [<mailto:audrey@hwnresources.com>]  
**Sent:** Thursday, May 28, 2015 5:33 PM  
**To:** INFOCNTR (PHMSA)  
**Cc:** PHMSA HM InfoCenter  
**Subject:** Interpretation Letter Request

I would like to request a formal letter of interpretation regarding our specific case.

I have a company that provides equipment that we manufacture for customers that need campers without a power source available.

Our equipment consist of a diesel generator with a 350 gallon tank that supplies the diesel fuel to the equipment. It is not a purchased trailer that is being used to transport the equipment. The equipment is the trailer, see photo.

My questions are:

1. Is there a way to use our 350 gallon diesel tanks and not be required to comply with HMR (placard, shipping papers, CDL)?
2. If our fuel tank meets 393.65 and 393.67 and is deemed a fuel system, is the 350 gallon tank acceptable on our equipment without HMR Hazmat regulations(placarding, shipping papers, CDL with H endorsement)?
3. Is the 173.220 (a) applicable to our trailer? It states "transported as cargo ON a transport vehicle"-does this apply to trailers towed? Our equipment is not being transported ON a trailer, it is the Trailer.



4. If 173.220 applies, does it mean that the fuel tanks need non-vented caps and valves or quick disconnects in the lines so it can be considered "securely closed" in order to avoid HMR regulations(placard, shipping papers, CDL with endorsement)?

Attached you will find interpretation Reference No. 12-0123

Dated August 2012

I talked to Jordan with PHMSA and we concluded this letter to be applicable to our situation above. I would like to request a formal interpretation letter specific to my company.

We also discussed 173.150 and 171.8.

I would like to manufacture an equipment trailer that will be able to transfer diesel to the above said trailers. Our discussion was on the "idea" of putting two 119 gallon or less fuel tanks mounted permanently to a trailer with a water tank. Would this be classified as "non bulk" because as stated in the 171.8 definitions.

**(f) Combustible liquids.**

(1) A flammable liquid with a flash point at or above 38 °C (100 °F) that does not meet the definition of any other hazard class may be reclassified as a combustible liquid. This provision does not apply to transportation by vessel or aircraft, except where other means of transportation is impracticable.

Would we qualify for this exception?

After talking with Jordan, He directed me that we would be, but again I would like to request that this be included into the formal interpretation letter.

I do not have pictures of this particular equipment because I have not built it yet. I have included as much detail as possible. What would the number of tanks less than 119 gallons be allowed?

Just for knowledge.

Thank you so much for your time.

Please Advise.

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